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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 6 of the provisional agenda*
Implementation of articles 21 and 22 of the Convention

Reports by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities

Report of the International Labour Organization**

Summary

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies of the United Nations have been invited to submit to the Committee on the Elimination of Discrimination against Women reports on the implementation of the Convention in areas falling within the scope of their activities. The present report contains information on the measures taken by the International Labour Organization to implement the provisions of the Convention in the countries whose national reports will be considered by the Committee at its sixty-ninth session.

* CEDAW/C/69/1.
** This document was submitted late owing to delayed inputs from other sources.

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Contents

		Page
I.	Introduction	3
II.	Indications concerning the situation of individual countries	5
	A. Chile	5
	B. Fiji	9
	C. Luxembourg	10
	D. Malaysia	13
	E. Marshall Islands	15
	F. Republic of Korea	15
	G. Saudi Arabia	21
	H. Suriname	26

I. Introduction

1. The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are addressed in a number of conventions of the International Labour Organization (ILO). Of the 189 conventions adopted so far, the information in the present report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 173 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 175 member States
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 44 member States

2. Where applicable, reference is made to a number of other conventions that are relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29), and its Protocol of 2014
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of association

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night work

- Night Work (Women) Convention (Revised), 1948 (No. 89) and its Protocol of 1990
- Night Work Convention, 1990 (No. 171)

Underground work

- Underground Work (Women) Convention, 1935 (No. 45)
- Safety and Health in Mines Convention, 1995 (No. 176)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Wages

- Minimum Wage Fixing Convention, 1970 (No. 131)

Indigenous peoples

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Part-time work

- Part-Time Work Convention, 1994 (No. 175)

Home work

- Home Work Convention, 1996 (No. 177)

Domestic workers

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the ILO Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the annual report of the Committee, issued in English, French and Spanish, which are submitted to the Committee on the Application of Standards of the International Labour Conference. Direct requests, issued in English and French, and, in the case of Spanish-speaking countries, in Spanish, are not published in book form but are made public. At a later date, they are published in the ILO database of supervisory activities, NORMLEX.

4. The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in section II can be found in the NORMLEX database (www.ilo.org/dyn/normlex/en/).

5. It will be noted that, in its own comments, the Committee of Experts often includes references to the information submitted by Governments to the Committee on the Elimination of Discrimination against Women or to the other treaty bodies, as well as to reports issued by those bodies.

II. Indications concerning the situation of individual countries

A. Chile

6. Of the relevant ILO conventions, Chile has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 103, 105, 122, 131, 138, 169, 182 and 189.

Comments made by the supervisory bodies of the International Labour Organization

7. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Observation of 2016 on Convention No. 100

8. In its previous comments, the Committee urged the Government to take the measures necessary to revise section 62 bis of the Labour Code with a view to ensuring equal remuneration for men and women not only in situations in which they perform "the same work" but also in situations in which they carry out work that is different but nevertheless of equal value. Noting the Government's indication in its report that it had not amended section 62 bis of the Labour Code, the Committee nonetheless observed that various draft laws aiming to amend the section to incorporate the principle of the Convention were currently before the Senate and the Chamber of Deputies. The Committee trusted that section 62 bis of the Labour Code would be amended in the near future in order to give full effect to the principle of the Convention of equal remuneration for men and women for work of equal value. The Committee requested the Government to provide information on any developments in that respect, in particular with regard to the stage reached in the parliamentary examination of the draft amendments to section 62 bis of the Labour Code.

Direct request of 2016 on Convention No. 100

9. In its previous comments, the Committee requested the Government to provide statistical information disaggregated by sex, including on wages by branch of activity and on the measures adopted in the public and private sectors to remedy the gender pay gap and occupational segregation. The Committee noted the various measures adopted by the National Women's Service, such as awarding the "*Iguala-Conciliación*" label to workplaces and initiating various programmes to increase the participation of women in the labour market, including "Working Women and Heads of Household", "Entrepreneurship and Participation", the "4 to 7 Programme" and "Good Working Practices of Gender Equality".

10. The Committee also noted that, according to the report of the National Statistics Institute of Chile of January 2016 on gender and income, the pay gap (in terms of average monthly wage) had fallen from 33.2 per cent in 2013 to 29.7 per cent in 2014. Nevertheless, there was still considerable occupational gender segregation, both vertically and horizontally. The Committee observed that, according to the report, the higher the level of education, the wider the pay gap (39.6 per cent at postgraduate level compared with 15.5 per cent in cases where workers had not had access to education). The Committee observed, furthermore, that the pay gap by occupational level ranged from 21.5 per cent for technicians and middle-level professionals to 34.6 per cent at the executive and managerial levels of public and private enterprises,

reaching 40 per cent for low-level officials and craft and trade workers. It also observed that the pay gap by branch of activity was considerably greater in some sectors that employed mainly women. For example, in the education sector it stood at 26.2 per cent, in health and social services at 36.3 per cent and in domestic work at 33.9 per cent. In other sectors mainly employing men, the gap was also significant, for example, 31.8 per cent in commerce and 23.1 per cent in manufacturing. In the commercial sector, which employed 16.7 per cent of women and 15.4 per cent of men, the monthly pay gap was 31.8 per cent. The Committee also observed that, according to the report of the National Statistics Institute of 2015, entitled "Women in Chile and the labour market: women's participation rate and pay gaps", very few women reached high management positions in either public authorities or private enterprises. Only 1.5 per cent of women reached such positions, compared with 3.4 per cent of men.

11. With regard to occupational segregation, the Committee recalled that, owing to deeply rooted attitudes and stereotypes regarding the aspirations, preferences and capabilities of women, certain jobs were held predominantly or exclusively by women and others by men, and "female" jobs were often undervalued when wage rates were determined. The concept of "work of equal value" was therefore fundamental to ending occupational segregation (General Survey on the fundamental Conventions, 2012, paras. 673 and 713). The Committee requested the Government to continue to take measures to reduce and eliminate the significant pay gap that existed between men and women and to grant women improved access to a greater variety of employment opportunities at all levels, including in those sectors that mainly employed men. The Committee requested the Government to continue to provide up-to-date statistical data disaggregated by sex, including on wages by branch of activity and sector, as well as any other information to demonstrate the effectiveness of and the results achieved by the measures adopted to reduce the pay gap between men and women.

Observation of 2016 on Convention No. 111

12. With respect to discrimination based on sex, the Committee has been referring for many years to the need to amend section 349 of the Code of Commerce with a view to granting equal rights to spouses to conclude a commercial partnership agreement and ensuring that a woman who did not choose the separate property regime when entering into marriage could conclude a commercial partnership agreement without special authorization from her husband. In that regard, the Committee noted that section 5 (5) of the draft law to amend the Civil Code and other legislation provided for the amendment of section 349 of the Code of Commerce and removed the requirement for a woman to receive authorization from her husband to enter into a commercial partnership agreement. The Committee observed that the draft law had been undergoing its second constitutional procedure in the Senate since 3 September 2013. The Committee trusted that the draft law to amend the Civil Code and other legislation would be adopted soon, as it provided for the amendment of section 349 of the Code of Commerce with a view to eliminating the requirement for a woman to receive authorization from her husband to enter into a commercial partnership agreement. The Committee requested the Government to provide information on any developments in that regard.

Direct request of 2016 on Convention No. 111

13. The Committee has been referring for several years to Act No. 20 005, amending the Labour Code to include provisions on sexual harassment, which appears to afford

more limited protection in terms of the persons protected, offenders, the scope of application and victim protection procedures. The Committee noted the Government's indication that 429 complaints of sexual and labour harassment had been made to the central State administration in 2011 and 2012, of which 79 per cent had been for labour harassment, 13 per cent for sexual harassment and 8 per cent for both reasons. Women had made 73 per cent of the complaints. Of those complaints, 278 had been investigated through disciplinary procedures, resulting in the recognition of 45 cases of labour harassment, 12 cases of sexual harassment and 3 cases of both labour and sexual harassment. The Government also reported that the National Women's Service had carried out training and awareness-raising activities on sexual harassment in the public and private sectors. In that connection, the Committee noted the draft law of 24 January 2013 on sexual harassment, which provided for the inclusion in the Penal Code of section 364, worded as follows: "Any person who seeks favours of a sexual nature, for themselves or for another person, within the context of a working, teaching or sporting relationship or the provision of services, either continuous or habitual, and who through such behaviour creates for the victim an objectively intimidating or hostile situation, shall be liable as the perpetrator of sexual harassment to a sentence of short-term imprisonment." The Committee requested the Government to provide information on the stage of the parliamentary procedure for the examination of the draft law to reform the Penal Code in relation to sexual harassment and on the application in practice of Act No. 20 005 on sexual harassment and any amendment envisaged in that regard. The Committee also requested the Government to continue to provide information on the complaints of sexual harassment made to the National Directorate of Labour and the courts and the actions taken, the penalties imposed and the compensation awarded in relation to those complaints.

14. With regard to the impact of the measures and plans adopted to promote gender equality in employment and occupation, the Committee noted the measures adopted within the framework of the "*Iguala-Conciliación*" programme for the integration of women in the labour market and awareness-raising on gender gaps and the concept of co-responsibility, the use of time by men and women and the gender perspective in trade union activities. The Committee also noted that, within the framework of Act No. 20 595, a total of 657,244 women had participated in the incentive programme for the employment of women and that the National Training and Employment Service had developed programmes with the objective of providing technical training for women with a view to improving their employability. The Committee further noted the adoption of Act No. 20 820 of 20 March 2015 establishing the Ministry of Women and Gender Equity. Lastly, the Committee noted the adoption of measures to support the participation of women in the labour market, including Act No. 20 455, which included postnatal parental leave of six months in co-participation with the father, and Act No. 20 399 on the provision of child day-care centres in enterprises with more than 20 workers. The Committee requested the Government to continue to provide information, in particular on the measures adopted or envisaged within the framework of the plan for the equality of opportunity for men and women for the period 2011–2020 to increase the participation rate of women in the labour market and to reduce occupational segregation. The Committee also requested the Government to continue to provide information on the implementation of the "*Iguala-Conciliación*" programme, on the specific activities undertaken by the National Women's Service and on the implementation in practice of Acts Nos. 20 595, 20 455 and 20 399. The Committee further requested the Government to provide statistical data on the impact of those measures on the employment of women.

15. With respect to the public sector, the Committee noted the measures adopted by the Government with a view to achieving equality between men and women in the central State administration, including those relating to the application of the code of good labour practices and non-discrimination of the central State administration. In particular, the Committee noted the information that the application of the directive on the balanced representation of men and women in managerial and executive positions had achieved less progress than in other areas during the period 2006–2009. It also noted that the situation had not developed significantly since then, as, in 2014, although there were 131,630 women and 96,239 men, that ratio had not been reflected in executive positions. For example, there were 66 women and 182 men in the positions of higher service chiefs, 2,896 women and 4,003 men in professional executive positions and 364 women and 823 men in non-professional executive positions. The Committee encouraged the Government to take measures to examine the reasons that women were prevented from gaining access to managerial positions and to continue to take specific measures with a view to ensuring the equality of opportunity for men and women in access to managerial positions in the central State administration. The Committee requested the Government to provide information on any developments in that regard and to continue to supply statistical data on the occupational levels of men and women in the public sector.

16. The Committee noted that the Government had not provided information on the manner in which effect was given to Legislative Decree No. 3500 of 1980, which provided that women of 60 years of age and men of 65 years of age should be entitled to an old-age pension, and to Act No. 20 255 of 2008, which included a provision in the Legislative Decree under which women over the age of 60 and under the age of 65 who had not retired should be entitled to an invalidity pension and the related supplement to survivors' pensions. In that regard, the Committee noted that, according to the data of the national socioeconomic assessment survey of the Ministry of Social Development, the participation rate of women in the labour market in 2013 was 49 per cent in the age category of 55–59 years, 34.6 per cent in the 60–64 years category and 9.5 per cent in the over 65 years category, while the rate for men was 88.1 per cent in the 55–59 years category, 78.1 per cent in the 60–65 years category and 29.4 per cent in the over 65 years category. Lastly, the Committee noted that one of the proposals in the final report of the Presidential Advisory Commission on the Pensions System of September 2015 included was to make the retirement age the same for men and women. The Committee once again requested the Government to provide information on the manner in which those provisions were applied in practice. It also requested the Government to provide information on the situation in relation to the proposal by the Presidential Advisory Commission on the Pensions System to make the retirement age the same for men and women.

Observation of 2016 on Convention No. 156

17. The Committee noted that the Government referred to various legislative and practical measures taken for the protection of workers with family responsibilities. Among those, the Committee noted with interest the adoption of Act No. 20.545 of 17 October 2011 on postnatal parental leave, Act No. 20.535 of 3 October 2011 on leave from work in order to care for minors with disabilities and the measures allowing access to day-care facilities for the children of secondary school students of both sexes with the aim of preventing school dropout. By May 2016, 109 day-care facilities had been set up in or close to school establishments. The Committee noted that, under Act No. 20.545, section 197 bis was added to the Labour Code, establishing postnatal parental leave of 12 weeks following maternity leave. Under

that provision, women workers might opt, at the end of maternity leave, to return to work on a half-time basis, in which case the postnatal parental leave would be extended to 18 weeks. Furthermore, from the seventh week of postnatal parental leave, the woman worker might opt, if both parents were workers, to share the remaining leave with the father. Any employer opposing recourse to such leave would be sanctioned. The entitlement was open to adoptive parents and to legally appointed guardians of minors. The Act also provided for protection against dismissal ("immunity from dismissal") for pregnant women for up to one year following the expiry of maternity leave, for fathers who had recourse to postnatal parental leave under section 197 bis and for men and women workers who adopted children. The Committee further noted that, under Act No. 20.535, section 199 bis was added to the Labour Code, allowing for leave of absence from work for a number of hours equal to 10 days a year in order to care for a minor with a disability. The Committee requested the Government to continue to provide information on the practical measures taken under the national policy to enable workers with family responsibilities to engage in employment without discrimination. The Committee requested the Government to provide information, including statistics disaggregated by sex, job sector and industry, on the practical effect given to sections 197 bis and 199 bis of the Labour Code, specifying the number of mothers and fathers who have had recourse to postnatal parental leave.

B. Fiji

18. Of the relevant ILO conventions, Fiji has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138, 142, 169 and 182.

Comments made by the supervisory bodies of the International Labour Organization

19. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Observation of 2015 on Convention No. 100

20. The Committee recalled that section 78 of the Employment Relations Promulgation of 2007 did not give full legislative expression to the principle of the Convention, as it restricted the comparison of remuneration to men and women holding the "same or substantially similar qualifications" employed in the "same or substantially similar circumstances". The Committee noted the Government's indication that a draft law to amend the Promulgation was before the Parliamentary Standing Committee on Justice, Law and Human Rights. It noted with regret, however, that the proposed amendments to section 78 continued to restrict equal remuneration to "persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances". The Committee recalled that equal pay legislation should not only provide for equal remuneration for equal, the same or similar work but also address situations where men and women performed different work, requiring different qualifications and involving different circumstances, that was nevertheless work of equal value (General Survey on the fundamental Conventions, 2012, para. 673). The Committee urged the Government to take those comments into account and make the necessary changes to section 78 of the Promulgation so as to give full legislative expression to the principle of equal

remuneration for men and women for work of equal value, and to provide information on the progress made in that respect.

Observation of 2015 (repetition of 2012) on Convention No. 111

21. The Committee noted the statistics regarding the participation rate of women on a number of bodies, such as the Employment Relations Advisory Board (29 per cent), the National Occupational Safety and Health Advisory Board (13 per cent) and the Wages Councils (20 per cent). The Government stated that it aimed to reach a participation rate of 30 per cent of women on employment and industrial relations bodies. The Committee also noted that the statistical data on the labour force provided by the Government were not disaggregated by sex and did not therefore give sufficient information on the participation of women and men in the labour market. The Committee requested the Government to indicate the measures taken to increase the participation of women on employment and industrial relations bodies and the results achieved in that regard.

Direct request of 2015 on Convention No. 111

22. With respect to sexual harassment, the Committee noted the Government's indication that it was looking into extending the time limit of six months to report employment grievances, including sexual harassment claims. The Committee further noted that the Ministry of Employment had established, in 2014, the employment relations call centre, responsible for raising awareness of sexual harassment in the workplace. The Committee noted from the statistical data provided that, from 2012 to 2014, the mediation services unit had received only six complaints of sexual harassment, two of which had been referred to the Employment Relations Tribunal. Recalling that a low number of complaints was likely to be due to a lack of awareness of rights, a lack of confidence in available legal remedies or difficulties of access to them in practice, or even fear of reprisals, the Committee requested the Government to continue to take measures to promote awareness of sexual harassment in the workplace and to provide information on the number of cases addressed by the mediation services unit and any other relevant authority. The Committee requested the Government to provide information on the progress achieved in relation to the extension of the six-month time limit to report an employment grievance and, at the same time, to consider reviewing the burden of proof that was currently imposed on the worker filing the sexual harassment complaint.

C. Luxembourg

23. Of the relevant ILO conventions, Luxembourg has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 98, 105, 138, 142, 175, 182 and 183.

Comments made by the supervisory bodies of the International Labour Organization

24. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Direct request of 2013 on Convention No. 100

25. The Committee noted that, according to Eurostat data, the unadjusted gender pay gap had fallen from 9.7 per cent in 2008 to 8.7 per cent in 2010. The results of a study on gender wage gaps among labour market entrants, entitled "Gender wage gap of recruitment: an analysis by occupation", published in July 2013 by the social sciences research centre of the Centre for Population, Poverty and Public Policy Studies showed that the gender wage gap among labour market entrants aged between 15 and 25 years was slight and was in favour of women. The study also showed that, more often than not, as workers advanced in employment, the gender wage gap favoured men, inter alia, because women had a greater tendency in the course of their working lives to change jobs, reduce their working time or leave the labour market to devote themselves to family duties. The study concluded that hiring practices tended to maintain occupational segregation among young people. In its report, the Government indicated in that connection that the promotion of the diversification of educational and occupational choices was ensured by the "Girls' Day — Boys' Day" project, which was coordinated by the employment development agency. While noting that information, the Committee requested the Government to provide information on any other measures taken to tackle the deep-seated causes of pay gaps between men and women, such as occupational segregation, both horizontal and vertical, in the labour market, in particular with regard to education and vocational training, and to encourage women to diversify their occupational choices and afford them access to positions of responsibility. The Committee requested the Government to provide information on the findings of any studies conducted on gender pay gaps and their causes and on measures to remedy them.

26. The Committee noted the information provided by the Government that a new version of the Logib-Lux equal pay evaluation tool, which was easier to use and presented the results of wage analyses more clearly, had been launched and made available to enterprises with more than 50 employees. The Government also stated that relevant partners had been trained free of charge in the use of the tool and that the tool was used regularly in the affirmative action programmes for participating enterprises conducted by the Ministry of Equal Opportunities. The Committee requested the Government to continue to provide information on the measures taken to promote the use of the Logib-Lux evaluation tool among enterprises and organizations of workers and employers. It also asked the Government to provide specific information on how the tool was actually used by enterprises, in the context of the affirmative action programmes or otherwise, including the number and size of the enterprises concerned, the results of the evaluations undertaken and any adjustments made.

Direct request of 2013 on Convention No. 111

27. With respect to sexual harassment and other forms of harassment, the Committee noted that the Centre for Equality of Treatment, in its activity report of 2012, emphasized that the Labour Code did not entrust the labour and mines inspectorate, which was responsible for ensuring the application of the provisions on sexual harassment (sects. L.245-1–L.245-8 of the Labour Code), with any means of repression or of imposing sanctions on perpetrators of sexual harassment. In that respect, in its report, the Centre recommended that the prosecution and prevention of sexual harassment be strengthened and that victim protection be reinforced, especially when the employer was the perpetrator of the harassment. In the light of the severity and the serious repercussions of that discriminatory practice, the Committee

requested the Government to take specific measures to prevent and combat sexual harassment effectively in the public and private sectors. It also requested the Government to provide information on the cases of sexual harassment reported by or brought to the attention of the labour and mines inspectorate and the Centre, including the sanctions imposed and the remedies provided, on the measures taken to give effect to the recommendations of the Centre concerning sexual harassment and, in particular, the protection of victims against possible reprisals and on the activities of the special commission on harassment, including the number of cases and sanctions imposed. The Government was also requested to specify the manner in which, and the authority through which, compliance was ensured with the collective agreement of 25 June 2009, concerning harassment and violence at work, as the agreement was binding.

28. The Committee noted that, according to the National Statistics Institute, the employment rate in 2012 of women aged from 20 to 64 years was 64.1 per cent, considerably lower than that of men, which was 78.3 per cent. At all education levels, the employment rate of women was lower than that of men. With respect to measures intended to promote equality between women and men, the Government once again referred to the "Girls' Day — Boys' Day" project, providing girls and boys with the opportunity to discover atypical occupations in relation to gender and to combat gender stereotypes in educational guidance. While noting those indications, the Committee requested the Government to provide detailed information on the measures taken within the framework of the national gender equality action plan for the period 2009–2014 to achieve equality between women and men in employment and occupation, including measures to diversify the availability of vocational training and combat stereotypes and prejudices concerning the occupational aspirations and capacities of women. The Committee requested the Government to provide the information available on the evaluation of the results obtained in the framework of the action plan.

29. The Committee noted that equality between women and men in reconciling work and private life was one of the priority themes of the affirmative action programme of the Ministry for Equality of Opportunity. The Committee noted the adoption of the Act of 19 June 2013, amending the Labour Code, the Act of 16 April 1979, issuing the general conditions of service of public servants, and the Act of 24 December 1985, issuing the general conditions of service of local government officials, which extended the period of unpaid parental leave from three to four months and provided workers with the opportunity to request from their employers, upon their return from parental leave, an adjustment of their working hours for a maximum period of one year. The Committee requested the Government to indicate whether an evaluation had been carried out of the measures introduced by the Act of 19 June 2013 and to provide statistical data disaggregated by sex on the number of workers in the private and public sectors who had availed themselves of the provisions on the adjustment of working hours. Noting also that one of the objectives of the national gender equality action plan was the expansion of the provision of care for children attending school outside school hours (para. 6.13), the Committee requested the Government to provide information on the measures taken to that end and on any other measures to help workers to reconcile work and family responsibilities.

30. The Government's most recent reports on Conventions Nos. 100 and 111 were examined by the Committee of Experts at its session in November and December 2017. Relevant comments by the Committee will be made publicly available in February 2018.

D. Malaysia

31. Of the relevant ILO conventions, Malaysia has ratified Convention No. 100. It has also ratified Conventions Nos. 29, 98, 131, 138 and 182.

Comments made by the supervisory bodies of the International Labour Organization

32. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Observation of 2016 on Convention No. 100

33. For a number of years, the Committee has noted that the national legislation does not fully reflect the principle of equal remuneration for men and women for work of equal value. It has also noted that the definition of wages in the Employment Act of 1955 and the National Wages Council Act of 2011 does not encompass benefits in kind and excludes certain elements of remuneration as defined in the Convention. The Committee noted the Government's indication that the suitability of incorporating the principle of the Convention into its national legislation would be examined in the framework of the ongoing review of its labour legislation, in particular of the Employment Act. Considering the particular importance of giving full legislative effect to the principle of equal remuneration for men and women for work of equal value to ensure the effective application of the Convention, the Committee trusted that, in the course of the review of its labour legislation, the Government would take specific measures, in consultation with employers' and workers' organizations, to expressly incorporate the principle of equal remuneration for men and women for work of equal value into its national legislation. In that regard, the Committee requested the Government to ensure that its national legislation allowed for the comparison of not only the same jobs but also work of an entirely different nature that was nevertheless of equal value, taking into account that equality must extend to all elements of remuneration as indicated in article 1 (a) of the Convention. The Committee requested the Government to provide information on the progress made in that regard. It also reminded the Government that ILO technical assistance was available and requested the Government to consider submitting a copy of the draft legislation for its review.

Direct request of 2016 on Convention No. 100

34. In its previous comments, the Committee noted that the gender wage gap was particularly high in certain industries and occupations and requested the Government to take concrete measures to improve the access of women to a wider range of job opportunities at all levels, including in better paid positions. The Committee noted that, in the salaries and wages survey report of the Department of Statistics of 2015, it was reported that, while the participation rate of women in the labour force had increased, from 49.5 per cent in 2012 to 54.1 per cent in 2015, it had remained low compared with that of men, 80.4 per cent in 2015. The Committee also noted that, while the overall gender wage gap (mean monthly salaries) had decreased from 4.5 per cent in 2013 to 3.9 per cent in 2015, the gender wage gap had remained significant in certain industries and occupations. When looking at mean monthly salaries and wages by occupation, the gender wage gap had continued to be lowest for technicians and associate professionals (6.7 per cent) and clerical support workers

(11.9 per cent), while it was still significant for other occupations, such as managers (25.9 per cent), professionals (24.1 per cent), craft and related trade workers (29.5 per cent), services and sales workers (31.8 per cent) and skilled agriculture, forestry and fishery workers, for whom it had increased (34.2 per cent compared with 26.8 per cent in 2013). The Committee noted that, at the industry level, there was a persistently high gender wage gap in agriculture, forestry and fishing (35.7 per cent), professional, scientific and technical activities (35.3 per cent), finance and insurance (32.3 per cent), accommodation, food and beverage service activities (28.3 per cent) and real estate activities (28.1 per cent). The Committee noted that one of the objectives of the Eleventh Malaysia Plan, for the period 2016–2020, was to increase the participation rate of women in the labour force to 59 per cent by 2020. To that end, the Government was implementing initiatives to promote women entrepreneurs through access to credit and loans and to make it easier for them to reconcile work and family responsibilities through financial incentives for companies and the promotion of flexible work arrangements. The Committee further noted that, according to the Plan, efforts would be intensified to increase the number of women in decision-making positions. In that connection, it noted the Government's indication that the number of women in decision-making positions in the private sector had remained very low compared with the target of 30 per cent by 2016, as only 15.4 per cent of women held top management positions in private companies as at August 2015, but that the "30 per cent Club" had been launched in May 2015 to strengthen affirmative action to achieve gender equality. The Committee requested the Government to provide specific information on the impact of the measures taken in the framework of the Eleventh Malaysia Plan to increase the rate of participation of women in the labour force and their representation in decision-making positions in terms of reducing the gender wage gap in the various industries and occupations, in particular those in which the gap was high. It also requested the Government to provide information on any other measures taken or envisaged in cooperation with workers' and employers' organizations to that end. The Committee asked the Government to provide up-to-date statistical data disaggregated by sex on the distribution of workers in the various industries and occupations, specifying their corresponding remuneration levels, as such data were important for assessing the progress made in the application of the Convention.

35. In its previous comments, the Committee noted that, while the Minimum Wages Order 2012 set the monthly minimum wage for all private sector workers, domestic workers were excluded from its scope. The Committee welcomed the increase of the minimum wage from 1 July 2016 as a result of the recommendations of the National Wages Consultative Council and the ratification of Convention No. 131 on 7 June 2016. The Committee observed, however, that domestic workers continued to be excluded from the scope of the Minimum Wages Order. Noting that, according to the labour force survey report of the Department of Statistics of 2015, more than 95 per cent of domestic workers were women, the Committee again drew the Government's attention to the possibility of indirect discrimination where female-dominated groups of workers were excluded from the application of minimum wage legislation, in particular those most vulnerable to wage discrimination, such as domestic workers (General Survey on the fundamental Conventions, 2012, paras. 684 and 707). Recalling once again that the principle of equal remuneration for work of equal value was to apply to domestic workers, whether nationals or non-nationals, the Committee requested the Government to provide specific information on the manner in which it was ensured that, in determining wages, including minimum wages, for domestic workers, who were mostly women, their work was not undervalued compared with work performed by predominately male groups.

36. With respect to the public sector, the Committee had previously noted the salary structure and job classifications in the public sector and requested the Government to indicate how it was ensured that the job classification system was free from gender bias. It had requested the Government to provide information on the measures taken to improve the access of women to higher-ranking and better-paid positions in the public sector. The Committee welcomed the increase in the representation of women in top management positions in the public sector, from 30.5 per cent in 2010 to 37.1 per cent in 2015. The Committee recalled, however, that the fact that the system of remuneration was based on a classification of jobs that applied to all public-sector employees without distinction on the grounds of gender did not prevent indirect pay discrimination. Discrimination could be due to the manner in which the classification of jobs itself had been established, as the tasks performed mainly by women were often undervalued compared with the tasks traditionally performed by men, or could result from inequalities in the payment of certain wage supplements, such as allowances and benefits, for work of equal value. The Committee noted the absence of information provided by the Government on the distribution of men and women in the different positions of the public sector and their corresponding remuneration levels. In that regard, it drew the Government's attention to the importance of conducting an evaluation of the overall gender pay gap in the public sector, which might be due to the occupational gender segregation of women into lower-paid positions. Recalling the Government's obligation to ensure the full application of the principle of equal remuneration for men and women for work of equal value to its own employees, the Committee once again requested the Government to indicate how it was ensured that the criteria used to determine the classification of jobs and remuneration scales in the public sector were free from gender bias and that positions held predominantly by women were not undervalued compared with those held by men. The Committee requested the Government to take the steps necessary to collect and analyse statistical information on the distribution of men and women in the various occupations and positions in the public sector and their corresponding remuneration levels to determine whether wage gaps existed, and to take the steps necessary to eliminate any wage gaps. It also asked the Government to continue to provide information on the measures taken to improve the access of women to higher-ranking and better-paid positions in the public sector and the results achieved in that regard.

E. Marshall Islands

37. The Marshall Islands has not ratified any of the relevant ILO conventions.

F. Republic of Korea

38. Of the relevant ILO conventions, the Republic of Korea has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 122, 131, 138, 142 and 182.

Comments made by the supervisory bodies of the International Labour Organization

39. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Observation of 2013 on Convention No. 100

40. The Committee noted the statistics provided by the Government, according to which, in 2012, women earned 68.4 per cent of men's hourly wages (or a gender wage gap of 31.6 per cent). While overall women's wages improved slightly in manufacturing and wholesale and retail, the data indicated that the gender wage gap still remained largely over 30 per cent (see the survey on employment-type based labour, Ministry of Employment and Labour, 2012). The Committee noted, however, that the Federation of Korean Trade Unions had provided data indicating that the gender wage gap had hardly improved and even widened in some industries in which women were predominantly employed (see the report on women and employment of the Ministry of Employment and Labour, 2012). The Committee also noted from the Government's report that, when the hourly and gross monthly wages of regular and non-regular workers were compared, female regular workers earned 62.8 per cent of the amount earned by male regular workers, while the wage gap was considerably higher for female non-regular workers, who earned 48 per cent of the hourly wages of male regular workers and 37.7 per cent of the monthly wages of male regular workers, while, according to the Federation of Korean Trade Unions, those figures were 40.3 per cent (hourly wages) and 35.4 per cent (monthly wages) of those of male regular workers. The Committee further noted that, according to the supplementary results of the economically active population survey in August 2012, non-regular workers, such as contingent, part-time and atypical workers, represented 33.3 per cent of all wage earners, of whom 53.4 per cent were women, and female non-regular workers represented 41.5 per cent of all female wage earners. According to the Federation of Korean Trade Unions, those figures were 47.8 per cent, 53.3 per cent and 59.4 per cent, respectively. The Committee further noted the statistics provided by the Government and the Korea Employers' Federation on the wage gap between regular and non-regular workers and the Federation's comment in that regard that an assessment of the part of the wage gap that was due to discrimination would require an analysis that took into account the characteristics of the industries and human factors. While noting the diverging opinions of the Government and the Federation of Korean Trade Unions regarding the size of the gender wage gap, the Committee nonetheless considered that, despite some positive trends, the overall hourly and monthly gender wage gap, especially when comparing regular and non-regular workers, remained significant. The Committee therefore asked the Government to continue to analyse and provide statistical information on the gender wage gap, including data calculated on the basis of hourly and monthly wages, and data disaggregated by industry and occupation, regular and non-regular employment, and in the public and private sectors.

41. With regard to measures to ensure that wages in sectors and occupations in which women were predominantly employed were not set on the basis of a gender-biased evaluation of the work performed, the Committee noted that the Government referred to the provisions of the Ministry of Labour Regulation No. 422 on Handling Equal Employment Matters (Equal Treatment Regulation) on wage discrimination and the yearly inspections in workplaces in which women were predominantly employed to ensure compliance with the principle of equal pay (1,132 workplaces in 2012). The Government also reported measures to avoid career interruptions by women and assist women in combining work and family, which the Committee addressed in its direct request on the Convention. The Committee noted that the Federation of Korean Trade Unions considered that difficulties remained in applying the concept of work of equal value in female-dominated industries and that the

Government's efforts to eliminate the gender wage gap were insufficient because no objective job analysis had been undertaken in those industries.

42. The Committee had previously noted that section 8 (1) of the Act on Equal Employment and Support for Work-Family Reconciliation provided for equal wages for work of equal value only "in the same business" and that the Equal Treatment Regulation and the Supreme Court ruling of 2003 (2003DO2883) on the Regulation limited the possibility of comparing work performed by men and women to "slightly different" work. The Committee noted the Government's statement that Regulation No. 422 had been amended in June 2013 and that "the understanding of the concept of work of equal value had broadened from work of almost equal value or 'slightly different' work to 'work of a similar nature'". The Committee noted, however, that "work of a similar nature" was more restrictive than the wording required by the Convention and underlined that the concept of equal value was fundamental to tackling occupational sex segregation, as it permitted a broad scope of comparison, including and going beyond equal remuneration for "similar" work, and also encompassed work that was of an entirely different nature that was nevertheless of equal value. The Committee drew the Government's attention in that regard to its General Survey, including the examples of different jobs that had been found to be of equal value (General Survey on the fundamental Conventions, 2012, paras. 673–675). The Committee noted the occupational sex segregation of the labour market of the Republic of Korea and the high gender wage gap in female dominated industries and pointed out that occupational sex segregation tended to correlate with the undervaluation of "female" jobs in comparison with jobs of men who were performing different work and using different skills when determining wage rates. Where women were more heavily concentrated in certain sectors or occupations, there was a risk that the possibilities for comparison at the enterprise or establishment level would be insufficient (General Survey on the fundamental Conventions, 2012, paras. 697–698). Therefore, and in the light of the persistent and high gender wage gap, in particular in sectors in which women were predominantly employed, the Committee urged the Government to take immediate steps to determine, in cooperation with workers' and employers' organizations, the measures that were most urgently needed to reduce the gender wage gap in those sectors in an effective manner and to provide information on any progress made in that regard. It asked the Government, in cooperation with employers' and workers' organizations, to take the steps necessary to assess in a comprehensive manner whether wages in female-dominant occupations and sectors were set on the basis of an undervaluation of the work performed and to provide the results of that assessment. The Committee urged the Government to take the steps necessary to bring the Act on Equal Employment and Support for Work-Family Reconciliation and the Equal Treatment Regulation into full conformity with the Convention so as to ensure that men and women would receive equal remuneration for not only work of a similar nature but also work that was entirely different but nevertheless of equal value and that the scope of comparison between men and women extended beyond the same establishment or enterprise.

Direct request of 2013 on Convention No. 100

43. Further to its observation, the Committee noted that the Government considered that the wage gap between men and women stemmed largely from women taking career breaks and indicated that measures had been taken to address career interruptions by women and assist women in combining work and family responsibilities, such as maternity leave, childcare leave and shorter working hours, as well as the provision of childcare services and vocational training and employment

services during their career break, including increasing the number of new job centres for women to support the re-employment of women taking career breaks. The Committee recalled the importance of measures to address the underlying causes of the gender pay gap, in particular gender stereotyping and the occupational segregation of women into lower-paying or non-regular types of employment, and referred in that regard to its comment of 2013 on Convention No. 111 and its observation of 2011 on Convention No. 156. The Committee asked the Government to provide comprehensive information on all measures taken or envisaged to identify and address the underlying causes of the gender wage gap and the results achieved by such measures and on the measures previously indicated by the Government to reduce the wage gap between men and women in the public and private sectors.

44. The Committee noted that, according to the Federation of Korean Trade Unions, despite the consistent monitoring of many workplaces, it remained very difficult to apply the principle of equal value in industrial sectors or occupations in which women were predominantly employed. The Committee noted that the Government reported that inspections had been undertaken in workplaces in which women were predominantly employed in accordance with the labour inspection plan of 2011 and that a total of 1,200 workplaces were to be inspected in the first and second halves of 2013. The Government further indicated that, in 2012, inspection activities had covered 1,132 workplaces, resulting in the detection of 6,627 violations. The Committee noted, however, that of those violations, none had concerned wage discrimination, while 5,910 violations had been classified as "other violations" and apparently unrelated to unequal pay or discrimination issues. Considering the large gender wage gap and the continuing absence of violations concerning wage discrimination detected by the labour inspectorate, the Committee urged the Government to take more effective steps to improve the enforcement of the equal-pay legislation, including through activities to raise awareness of the specific legislation and enhance the capacity of the labour inspectors, judges and public officials, to identify and address cases of unequal pay and to examine whether the applicable substantive and procedural provisions allowed claims to be brought successfully in practice. The Committee requested the Government to provide information on any new court decisions regarding the principle of equal remuneration for men and women for work of equal value as guaranteed under the legislation and the Convention.

Observation of 2015 on Convention No. 111

45. The Committee noted the conclusions and the ensuing discussion that had taken place in the Committee on the Application of Standards of the International Labour Conference in June 2015, including the written information provided by the Government. It also noted that the International Organization of Employers and the Korean Employers' Federation reiterated their statements made in the Conference Committee. While noting that the Government had taken various measures to review, update and enact legislation to address labour-market inequalities and to reduce challenges relating to discrimination, the Conference Committee considered that long-standing concerns in relation to the application of the Convention with regard to migrant workers, gender-based discrimination and discrimination relating to freedom of expression needed to be addressed. In particular, the Conference Committee had urged the Government to review, in consultation with workers' and employers' organizations, the impact of the new regulations regarding workplace flexibility and, if necessary, make adjustments to programmes to ensure the appropriate protection of the foreign-worker labour force. It had also urged the Government to ensure that the rights of migrant workers were properly enforced with regard to workplace changes

and working hours, including through regular workplace inspections and annual reports. With regard to protection against discrimination based on gender and employment status, in particular with respect to non-regular workers, including women working part time and short term, the Conference Committee had urged the Government to review, in consultation with workers' and employers' organizations, the impact of reforms and to continue to submit relevant data so as to evaluate whether such protection was adequate in practice. Furthermore, with respect to the promotion of the equality of opportunity and treatment of men and women in employment, it had urged the Government to continue to monitor the participation of women in the labour market and provide relevant data and information. With regard to possible discrimination against teachers on the basis of political opinion, the Conference Committee had urged the Government to provide more detailed information on that issue so as to allow a solid assessment of the compliance of the related laws and practice with the Convention. The Conference Committee had further invited ILO to offer and the Government to accept technical assistance to implement the recommendations. With regard to the follow-up of matters relating to the workplace flexibility of migrant workers and their protection from discrimination on the grounds enumerated in article 1 (1) (a) of the Convention, discrimination against non-regular workers and the equality of opportunity and treatment of men and women in employment and occupation, the Committee referred to its direct request.

Direct request of 2015 on Convention No. 111

46. The Committee noted that, according to the data provided by the Government, in August 2014, 73.4 per cent of male workers and 60.1 per cent of female workers were in regular employment, and 26.6 per cent of the male workers and 39.9 per cent of the female workers were in non-regular employment. Of those in non-regular employment, women represented 21.9 per cent of those engaged in fixed-term employment, 17.7 per cent of those in part-time work and 12.2 per cent in atypical work. For men, those figures were 16.2 per cent, 5.5 per cent and 10.5 per cent, respectively. Data for August 2015 from the Korean Statistical Information Service showed that the proportion of women workers in non-regular employment had increased slightly, to 40.1 per cent. The Committee noted the information provided by the Government during the Conference discussion in June 2015 regarding workplace inspections carried out, corrective orders issued in cases of discrimination and judicial and administrative actions in 2014. The Conference Committee had requested the Government to review, in consultation with workers' and employers' organizations, the impact of the reforms on non-regular workers, in particular women working part time and short term. In that regard, the Government added that the changes in the system were intended to address discrimination fundamentally and, as they had just taken effect, it would be premature to analyse their effectiveness. The Government added that, when individual conditions, such as gender, age, academic background, years of service and occupation, were controlled, the hourly wage gap between regular and non-regular workers was decreasing.

47. With regard to non-regular workers in the public sector, the Committee noted that, under the plan to transfer non-regular workers to open-ended contract workers in the period 2013–2015, 65,711 workers would be transferred by 2015, and welcomed the progress made in that regard. The Committee also noted that, in the survey of the National Human Rights Commission of the Republic of Korea, it was found that 28.5 per cent of non-regular workers had been earning below the minimum wage. The National Human Rights Commission recommended stricter sanctions against employers who failed to comply with the minimum wage requirement and

measures to prevent abuse of the Minimum Wage Act during probation periods. The Committee noted that, in response, the Government had submitted a draft law to revise the Minimum Wage Act on 31 December 2014. The Committee would address the policy recommendation decision for the protection of low-income female non-regular workers by the National Human Rights Commission regarding the gender differences in the monthly income of regular and non-regular workers at its next session in the context of its examination of the Government's report on Convention No. 100. The Committee requested the Government, in consultation with workers' and employers' organizations, to assess the impact of the effectiveness of the legislative reforms regarding non-regular workers to ensure that they did not in practice result in discrimination on the basis of sex and employment status and to provide information on the results achieved in that regard. The Committee requested the Government to include information disaggregated by sex on the practical application of the measures for non-regular workers in the public sector, including the transfer of non-regular workers to open-ended contracts. Since no new information had been provided on the practical application of the punitive monetary compensation system and the impact of the financial support provided as at 2015 to small and medium-sized enterprises that had regularized their non-regular workers, the Committee requested the Government to provide such information in its next report and to indicate any progress made with regard to the draft law to revise the Minimum Wage Act.

48. In its previous comments, the Committee noted that, in 2014, the participation rate of women was 57.2 per cent, and that, since the introduction of the affirmative action schemes, the employment rate of women in the civil service had increased to 37.09 per cent and that women represented 18.37 per cent of persons in managerial positions. The Committee noted that the Conference Committee had requested the Government to continue to monitor the participation of women in the labour market and to provide relevant data. With regard to the practical application of the amendments made in 2014 to the Act on Equal Employment and Support for Work-Family Reconciliation, the Government indicated that the list of businesses whose affirmative action implementation plans were not sufficient would be announced in 2016. The Government further indicated that, from May 2015, for vulnerable businesses, a consultative council would operate on a pilot basis with tripartite participation, as well as participation by civic groups and honorary equal employment inspectors. The Government had introduced further measures in 2015 relating to childcare services for part-time working parents, and the Committee noted that the number of workers using childcare leave had increased from 69,616 (2,293 men) in 2013 to 76,833 (3,421 men) in 2014 and that the number of workers on reduced hours during the childcare period had increased from 736 workers in 2013 to 1,116 workers in 2014. The Committee welcomed the measures to reconcile work and family responsibilities as a means of improving the participation of women in employment, which would be examined further at its next session in the context of the Government's report on Convention No. 156. The Committee requested the Government to continue its efforts, including through the affirmative action schemes, in consultation with workers' and employers' organizations, to promote the access of women to a wider range of employment opportunities and high-quality employment in the public and private sectors, including at the managerial and decision-making levels. The Government was requested to continue to provide detailed and up-to-date statistics disaggregated by sex on the distribution of men and women in various types of economic activity and occupations in the public and private sectors in order to assess the progress made over time. Recalling the negative impact of social stereotypes regarding the roles of men and women on the equality of opportunity and

treatment, the Committee once again requested the Government to provide information on the specific measures taken to address gender stereotypes, including in the context of its policy to promote the employment of women in the public sector.

49. The Committee had previously noted the very low proportion of women in the police force. The Government reported that a quota system and a system of preferential treatment with regard to promotions had been implemented and that the proportion of women in the police force had risen from 7.6 per cent in 2013 to 9.5 per cent as at June 2015 and that 21.3 per cent of new recruits to the police force were women. Noting that the number of women in the police force remained low, the Committee requested the Government to continue its efforts to promote the equality of opportunity and treatment of men and women in all posts in the police force, including during the recruitment process, and to provide information on the results achieved in that regard. The Government was also requested to continue to provide information on the results achieved through the quota and the preferential treatment systems and statistical information on the proportion of men and women in the different posts of the police force.

50. The Government's most recent report on Convention No. 100 was examined by the Committee of Experts at its session in November and December 2017. Relevant comments by the Committee will be made publicly available in February 2018. The most recent reports on Conventions Nos. 111 and 156 will be examined by the Committee of Experts at its session in November and December 2018.

G. Saudi Arabia

51. Of the relevant ILO conventions, Saudi Arabia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 89, 105, 138 and 182.

Comments made by the supervisory bodies of the International Labour Organization

52. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Direct request of 2014 on Convention No. 100

53. The Committee noted that the Government's report did not contain any information regarding the levels of remuneration of men and women. The Government indicated that, with respect to the public sector, the civil service system did not discriminate between the wages of men and women, since remuneration was based on merit not sex. The Committee noted from the statistics published in the statistical yearbook of the Ministry of Labour for 2013, which is available online, that, in the private sector, the average monthly wages of Saudi women workers (3,153 Saudi Arabian riyals) was 58 per cent of the average monthly wages of Saudi men workers (5,355 Saudi Arabian riyals), and the gender wage gap was therefore 42 per cent in favour of men. With reference to its observation on Convention No. 111, the Committee noted that, despite the increase in the participation of women in the labour market in recent years, the labour market remained highly segregated, and women were confined to certain jobs. In paragraph 712 of its General Survey on the fundamental Conventions, the Committee pointed out that some of the underlying causes of pay inequality had been identified as the horizontal and vertical occupational segregation of women into lower-paying jobs or occupations and lower-

level positions without promotion opportunities, lower, less appropriate and less career-oriented education, training and skill levels, household and family responsibilities, the perceived costs of employing women and pay structures. The Committee would like to draw the Government's attention to the fact that, even if the pay system did not discriminate between the wages of men and women, inequalities might arise from the criteria and the methodology used to classify jobs and establish the pay structure, possibly resulting in the undervaluation of certain jobs in which women were concentrated. Inequalities might also arise from the unequal access of men and women to various allowances and benefits. Recalling that appropriate data and statistics were essential in determining the nature, extent and causes of unequal remuneration, setting priorities and designing appropriate measures, and in monitoring and evaluating the impact of such measures, the Committee asked the Government to provide detailed statistics on the participation of men and women, including migrant workers, in the labour market and on their wages, disaggregated by sex, in the various economic sectors and occupations, including the public sector, and at different levels of responsibility, including management positions. The Government was requested to submit any available statistical data on the evolution of the gender wage gap. The Committee encouraged the Government to seize the opportunity of the implementation of programmes to promote the employment of women to examine the underlying causes of wage disparities between men and women, including occupational gender segregation, and to take the measures necessary to address those causes and reduce the gender pay gap in both the public and the private sectors.

54. The Committee noted the Government's indication that Order No. 2370/1 of 18 September 2010, which provided that "any discrimination in wages shall be prohibited between male and female workers for work of equal value", had been communicated to the competent authorities and that the department responsible for inspection had been instructed to enforce it. The Government also indicated that training was provided to labour inspectors through the labour academy within the Ministry of Labour and the International Training Centre of ILO in Turin. The Committee further noted the Government's indication that the electronic inspection form now referred to Order No. 2370/1 and that, through the wages protection programme, wages could be consulted and verified and indicators were being developed to reveal the extent to which enterprises complied with the Order. The Committee recalled that the concept of "work of equal value", which went beyond the same or similar work, required some method of measuring and comparing the relative value of different jobs. There needed to be an examination of the respective tasks involved, undertaken on the basis of entirely objective and non-discriminatory criteria to avoid the assessment being tainted by gender bias. While the Convention did not prescribe any specific method for such an examination, it presupposed the use of appropriate techniques for objective job evaluations, comparing factors such as skills, effort, responsibilities and working conditions. Differential rates among workers were compatible with the principle of the Convention if they corresponded, without regard to sex, to differences determined by such evaluations (General Survey on the fundamental Conventions, 2012, paras. 695–703). The Committee asked the Government to continue to take the steps necessary to reinforce the capacity of labour inspectors to detect and address unequal remuneration between men and women for work of equal value and to ensure that workers could efficiently avail themselves of their rights pursuant to Order No. 2370/1, including through the development and use of appropriate objective job evaluation methods. The Committee asked the Government to provide detailed information on the indicators developed to assess compliance with the Order. The Government was requested to provide information on

any case of non-compliance detected by labour inspectors or complaints of unequal remuneration submitted to them or to a court and on the outcome thereof.

Observation of 2016 on Convention No. 111

55. In its previous comments, the Committee noted the adoption of Order No. 310 on 15 July 2013 regulating the employment of domestic workers and similar categories of workers and indicated that, while the Order constituted a first step towards improving the protection of foreign domestic workers against discrimination, including sexual harassment, it did not contain provisions explicitly allowing them to change employer or leave the country without the consent of the employer. In its response, the Government reiterated that it was constantly striving to take the measures necessary to improve the conditions of all workers and mentioned the same legal provisions and practical information previously provided. With regard to bilateral agreements, the Government indicated that such agreements included the setting up of joint technical committees that were periodically convened to review the implementation of both parties' obligations and discuss any new measures required. The Ministry also organized, in coordination with the embassies of certain countries, visits to several centres and housing complexes where workers lived to inspect their living conditions. The Committee noted that, from February 2014 to May 2016, 29,917 lawsuits involving domestic workers had been settled by the 37 committees specialized in the settlement of labour disputes relating to domestic workers. Of those lawsuits, 40 per cent had focused on delayed payment of wages, 30 per cent on refusals to work for an illegitimate reason, 17 per cent on refusals to work for a legitimate reason and 13 per cent on other reasons, such as the transfer of services and increased wages. A total of 92 per cent of cases had been settled during the period of their examination. In that regard, the Committee also referred to its observation of 2015 on the application of Convention No. 29. With regard to the aforementioned statistics, the Committee asked the Government to give specific examples of what were considered "legitimate" or "illegitimate" reasons to refuse to work. The Committee also asked the Government to continue to take measures to improve the situation of migrant domestic workers in relation to discrimination and abuse, including through enforcement and awareness-raising measures. It reiterated its request for specific information on the functioning of the labour dispute settlement committees and on the impact of that procedure on the employment relationship between employers and migrant domestic workers. The Committee encouraged the Government to continue to cooperate with countries of origin towards the full and effective implementation of bilateral agreements regarding domestic workers and requested the Government to provide information on their impact on the protection of domestic workers against abuse and discriminatory treatment on the grounds set out in the Convention.

56. In its previous comments, the Committee noted the positive developments in the employment of women and requested the Government to pursue its efforts to increase the participation of women in a wider range of occupations and to provide information on the impact of the measures taken in that regard. The Government affirmed that it was making enormous efforts to increase the wider participation of women in both the public and private sectors and mentioned a series of texts adopted since 2003, which had already been noted by the Committee and which related to increasing job opportunities for women and their participation in a wider range of occupations. With respect to the participation of women in decision-making, the Government indicated that women had become members of the Shura Council and that they increasingly assumed leading and supervisory positions in several government bodies, but the

Government did not provide recent statistical data in that regard. The Government was also focusing its efforts on the private sector with the creation of the position of Undersecretary for Special Programmes, who was responsible for promoting the employment of women and had issued several decisions in that respect, including on work in lingerie stores, telework, productive families and the opening of new work areas. The Committee further noted that the Government had provided information on the results of several studies on the employment of women and how to increase their participation in the labour market. The results indicated that 85 per cent of women's jobs were in retail sales, construction, manufacturing and health. According to the studies, retail sales would require the employment of 300,000 Saudi women by 2020, because it was considered to be the most suitable and had the biggest share of jobs in the economy. Furthermore, a large percentage of non-employees were women who held university degrees, though 87 per cent of the new jobs allocated to Saudi women required medium skills. The studies also indicated that, unemployment levels for men being lower for Saudi men, 50 per cent of jobs resulting from the Saudization policy would go to Saudi women. Consequently, the Government stated that it had identified the following seven focus areas: laws and regulations, social awareness, skills and qualifications, institutions and support, building career paths, empowering employers and job creation. The Committee noted from the Government's report that a number of initiatives were being carried out to address the challenges relating to the employment of women, for example, the identification of telework as one of the main priorities of the new Government in 2015, the aim of which was to increase opportunities for women, in particular in rural areas, and for persons with special needs, the decision to invest heavily in infrastructure development required for transport and mobility, the development of a legal framework and flexible arrangements for part-time work and a participative economy for the purpose of granting employees as well as employers more flexibility and the Saudization of the sector of mobile phone repairs and sales for both men and woman at 19 technical colleges and institutes at the national level. As at August 2016, 6,200 women had completed those workshops and would benefit from the support provided by the National Business Leadership Institute. The Committee noted from the report that the Ministry of Education had been entrusted by Cabinet Decision No. 152 of 2 August 2016 to prepare the arrangements necessary for establishing childcare facilities. Noting the numerous initiatives taken to promote the employment of women, the Committee encouraged the Government to continue its efforts to increase the participation of women in a wider range of occupations, not only those traditionally considered to be "suitable" to the nature of women but also non-stereotyped jobs and decision-making positions, and to provide information on the impact of the measures taken in that regard. The Committee also requested the Government to provide recent statistical data on the employment rate of Saudi women and men in the various economic sectors and occupations.

57. Noting that the Government had identified seven focus areas to overcome the obstacles to the employment of women, the Committee asked the Government to provide detailed information on any action taken in the areas identified and the results achieved.

58. The Committee welcomed the decision to entrust the Ministry of Education with preparing the necessary arrangements and rules for establishing childcare facilities and requested the Government to provide information on the progress achieved in that regard.

59. With regard to the restrictions on the employment of women to 'fields suitable to their nature", the Committee noted that the Government had reiterated that section 149

of the Labour Law prohibited the employment of women in hazardous jobs or in work that would jeopardize their health or expose them to specific hazards and no longer referred to its previous statement that the repeal of that provision would be given serious consideration in the context of future amendments to the Labour Law. The Committee urged the Government to review section 149 of the Labour Law to ensure that any restrictions on the employment of women were strictly limited to maternity protection and to repeal Council of Labour Force Order No. 1/19M/1405(1987), paragraph 2/A, which established the criteria for women's work.

60. With regard to the Committee's request to the Government to provide relevant information on Royal Order No. 8382, which established women's units in courts and judicial bodies under the supervision of an independent women's department in the main judicial system, the Government confirmed the inauguration of women's units in courts. It did not, however, provide information on the competence and jurisdiction of those units. The Committee asked the Government to provide clarification on the competence and jurisdiction of women's units in courts and on the number and nature of the cases examined by those units.

Direct request of 2016 on Convention No. 111

61. The Committee had previously requested the Government to take the measures necessary to ensure that all workers, including domestic workers, were protected in law and practice against all forms of sexual harassment in employment and occupation and to provide for adequate means of redress. In response, the Government reiterated that general regulations were in place to protect and safeguard the dignity and rights of human beings and that means of redress and protection were available to all. With regard to the workplace, the Government indicated that it was possible to initiate a lawsuit through the programmes of the Labour Relations Department by email, text message or calling the hotline. Complaints received through the hotline were referred to the competent committee to take follow-up action and provide guidance to the complainant. The Committee noted, however, that the Government's report did not provide any further information on the follow-up by the Ministry of Labour to the recommendations of the Tripartite Social Dialogue Forum on a decent work environment for women, including the drafting of a regulation with the Advisory Council for Women's Work that would address the issue of sexual harassment and the examination by the competent authorities of the possibility of penalizing sexual harassment. Over the years, the Committee has consistently expressed the view that sexual harassment is a serious manifestation of sex discrimination and a violation of human rights (General Survey on the fundamental Conventions, 2012, para. 789). It recalled its general observation of 2003, in which it highlighted the importance of taking effective measures to prevent and prohibit sexual harassment at work. Such measures should address both quid pro quo sexual harassment (any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men that is unwelcome, unreasonable and offensive to the recipient, and when a person's rejection of, or submission to, such conduct is used explicitly or implicitly as the basis for a decision that affects that person's job) and hostile work environment sexual harassment (conduct that creates an intimidating, hostile or humiliating working environment for the recipient). The Committee therefore reiterated its concern with regard to the absence of specific legislation on sexual harassment in the workplace, including of a definition encompassing the two components of sexual harassment set out above. It also drew the Government's attention to the fact that it was normally not sufficient to address sexual harassment only through criminal proceedings, owing to the sensitivity of the issue and the higher

burden of proof, which was harder to meet, especially if there were no witnesses, as was often the case, and the fact that criminal law generally focused on sexual assault or "immoral acts" and not on the full range of behaviour that constituted sexual harassment in employment and occupation (General Survey on the fundamental Conventions, 2012, para. 792). In the light of the Government's intention to develop a national equality policy with the technical assistance of ILO, the Committee recalled that such a policy should also aim to address all forms of sex discrimination, including sexual harassment in employment and occupation, and requested the Government to include in that process the adoption of effective measures to prevent and address sexual harassment in the workplace. In that connection, it reiterated its request to the Government to provide information on any follow-up to the recommendations submitted by the Tripartite Social Dialogue Forum with regard to addressing the issue of sexual harassment and on the regulation being prepared with the Advisory Council for Women's Work. The Government was also requested to provide information on any developments with regard to the adoption of the draft regulation penalizing crimes against men and women employees and its content.

H. Suriname

62. Of the relevant ILO conventions, Suriname has ratified Conventions Nos. 100 and 111, on 4 January 2017. The Government's first reports on both Conventions are due in 2019. It has also ratified Conventions Nos. 29, 87, 98, 105, 122 and 182.

Comments made by the supervisory bodies of the International Labour Organization

63. There are no pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.